

**REMARKS**

**I. Status of the Application**

By the present Amendment, Applicant amends claim 29 and add claim 35 to more fully cover various implementations of the invention. Applicant also hereby cancels claim 13 without prejudice or disclaimer. Claims 14, 16 and 29-35 are all the claims pending in the Application, with claim 29 being in independent form. Claims 13-14, 16 and 29-34 have been rejected.

The present Amendment addresses each point of objection and rejection raised by the Examiner. Favorable reconsideration is respectfully requested.

**II. Statement of Substance of Interview**

Please review and enter the following remarks summarizing the interview conducted on October 12, 2007:

A telephonic interview was conducted on October 12, 2007 between Examiner Johannes P. Mondt of the U.S. Patent and Trademark Office and Applicant's representative, Andrew J. Taska. The interview was initiated by Applicant's representative.

The purpose of the interview was to discuss the discrepancies in the Office Action dated 09/20/07. In particular, Applicant's representative pointed out to the Examiner that page 14 of the Office Action indicates that the Office Action has been made FINAL whereas, in contrast, the Office Action Summary indicates that the Office Action is Non-Final. Further, a review of the USPTO's Patent Application Information Retrieval System also indicates that the status of the Office Action is Non-Final.

Accordingly, Applicant's representative contacted the Examiner on October 12, 2007 to request clarification as to the status of the present application. During the telephone interview,

the Examiner confirmed that the outstanding Office Action is Non-Final in nature and agreed to issue an Official Interview Summary stating this fact on the record. However, Applicant still has not received the promised Official Interview Summary and respectfully requests that the Examiner promptly forward the Official Interview Summary at his earliest convenience.

No exhibits or demonstrations were provided and no amendments were proposed by Applicants' representative.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

**It is believed that no petition or fee is required.** However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

### **III. Claim Rejections Under 35 U.S.C. §103**

The Examiner has maintained his previous rejections of claims 29, 16, 33 and 34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Applicant's admitted prior art (hereinafter "APA") in view of Japanese Patent Application No. 2003-017502A to Nakamura (hereinafter "Nakamura 1"). The Examiner has also set forth new alternative grounds of rejection for claims 29, 16, 33 and 34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA, in view of Nakamura 1, and further in view of U.S. Patent No. 6,133,609 to Nakamura ("hereinafter Nakamura 2").

The Examiner has maintained his previous rejection of claim 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA and Nakamura 1 as applied to claim 29 above, and

further in view of U.S. Patent No. 5,757,050 to Adler et al. (hereinafter “Adler”). Further, the Examiner has set forth new alternative grounds of rejection for claim 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA, in view of Nakamura 1, in view of Nakamura 2, and further in view of Adler.

Moreover, the Examiner has maintained his previous rejection of claim 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA and Nakamura 1 as applied to claim 29 above, and further in view of U.S. Patent No. 6,507,069 to Zhang et al. (hereinafter “Zhang”). The Examiner has also set forth new alternative grounds of rejection for claim 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA, in view of Nakamura 1, in view of Nakamura 2, and further in view of Zhang.

The Examiner has maintained his rejection of claim 30 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA and Nakamura 1 as applied to claim 29, and further in view of U. S. Patent No. 5,053,849 to Izawa et al. (hereinafter “Izawa”). Moreover, the Examiner has set forth new alternative grounds of rejection for claim 30 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA, in view of Nakamura 1, in view of Nakamura 2, and further in view of Izawa.

Further, the Examiner has maintained his rejections of claims 31-32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA and Nakamura 1 as applied to claim 29, and further in view of U.S. Patent No. 6,048,795 to Numasawa et al. (hereinafter “Numasawa”). The Examiner has also set forth new alternative grounds of rejection for claims 31-32 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA, in view of Nakamura 1, in view of Nakamura 2, and further in view of Numasawa.

Finally, the Examiner has maintained his rejection of claim 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA and Nakamura 1 as applied to claim 29 above, and further in view of U.S. Patent No. 5,914,498 to Suzawa et al. (hereinafter “Suzawa”). The Examiner has also set forth new alternative grounds of rejection for claim 33 under 35 U.S.C. § 103(a) as allegedly being unpatentable over APA, in view of Nakamura 1, in view of Nakamura 2, and further in view of Suzawa.

Applicant respectfully traverses all of the above rejections for *at least* the reasons set forth below.

As an initial matter, Applicant notes that claim 13 has been canceled without prejudice or disclaimer and, therefore, the Examiner’s rejection with respect to claim 13 is now moot.

Further, in order for the Examiner to maintain a rejection under 35 U.S.C. §103, the cited references must teach or suggest all of the recitations of claims 14, 16 and 29-34. Applicant respectfully submits that the neither APA, Nakamura 1, Nakamura 2, Adler, Zhang, Izawa, Numasawa, Suzawa, nor any combination thereof, teaches or suggest all of the recitations of claims 14, 16 and 29-34.

For example, without conceding the merits of the Examiner’s rejections, and merely in an effort to expedite prosecution of this application, Applicant has amended independent claim 29 to recite (among other things):

...wherein said impurity doping regions formed in a self-aligning manner are formed so as to overlap said first gate electrode by 0.1  $\mu\text{m}$  or less, and

wherein an impurity doping region exists between the second gate electrode and the third gate electrode.

Applicant respectfully submits that none of the cited references teaches or suggests the above features. Indeed, the grounds of rejection rely on Applicant's APA as allegedly teaching the feature of at least two impurity doping regions, which overlap with a second gate electrode. The grounds of rejection acknowledge that Applicant's APA fails to teach or suggest the feature of wherein said impurity doping regions formed in a self-aligning manner are formed so as to overlap said first gate electrode by 0.1  $\mu\text{m}$  or less, as claimed. Nevertheless, the grounds of rejection allege that Adler teaches or suggests this feature.

However, neither Applicant's APA, Adler, nor any combination thereof, teaches or suggest that an impurity doping region exists between the second gate electrode and the third gate electrode. More particularly, contrary to claim 1, Applicant's APA fails to teach or suggest that either of the impurity doping regions 305b exist between a second gate electrode and the third gate electrode, as claimed. Moreover, Adler fails to remedy the deficient teachings of Applicant's APA since no aspect of Adler even remotely suggests the feature of an impurity doping region that exists between a second gate electrode and a third gate electrode, as claimed.

Therefore, Applicant submits that independent claim 29 is patentable over the applied references for *at least* these independent reasons. Further, Applicant respectfully submits that dependent claims 16 and 29-34 are allowable, *at least* by virtue of their dependency. Thus, Applicant respectfully requests that the Examiner withdraw these rejections.

#### **IV. New Claim**

New claim 35 has been added to more fully protect various implementations of the invention and is fully supported by the original specification. No new matter has been added.

Applicant submits that claim 35 is patentable *at least* by virtue of its dependency and by virtue of the recitations set forth therein.

**V. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Andrew J. Taska /

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**23373**

CUSTOMER NUMBER

Date: December 18, 2007

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